

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

MICHAEL C. DILLON and
JENNIFER KRESGE,

Plaintiffs,

v.

SELECT PORTFOLIO SERVICING, INC.,
HARMON LAW OFFICES, P.C., PMI
GROUP, INC., MERRILL LYNCH
MORTGAGE CAPITAL, MERRILL LYNCH
MORTGAGE INVESTORS and LASALLE
BANK NATIONAL ASSOCIATION,

Defendants.

CIVIL ACTION NO.
07-cv-00070-SM

ASSENTED-TO MOTION OF DEFENDANTS SELECT PORTFOLIO SERVICING, INC., HARMON LAW OFFICES, P.C., MERRILL LYNCH MORTGAGE CAPITAL, MERRILL LYNCH MORTGAGE INVESTORS AND LASALLE BANK NATIONAL ASSOCIATION TO FILE MEMORANDUM OF LAW IN EXCESS OF 25 PAGES

Defendants Select Portfolio Servicing, Inc., Harmon Law Offices, P.C., Merrill Lynch Mortgage Capital, Merrill Lynch Mortgage Investors and LaSalle Bank National Association (collectively, "Defendants"), with the assent of all parties in the above-captioned action, hereby move for leave to permit Defendants to file a Memorandum of Law in Support of their Motion for Summary Judgment in excess of the 25-page limit imposed by Local Rule 7.1(a)(3). Defendants anticipate that their Memorandum of Law in Support of their Motion for Summary Judgment will require a total length of up to approximately 45 pages.

As grounds for the request to exceed the page limit, Defendants submit that Plaintiffs' Second Amended Complaint is comprised of twenty-four (24) counts, including multiple common law tort claims and theories of recovery, as well as multiple state and federal statutory

claims, including claims under section 1962(c) of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §1962(c). The Second Amended Complaint consists of a lengthy 39 pages, over 185 paragraphs of allegations, and raises numerous theories for recovery against each of the Defendants separately and against Defendants collectively. Further, as a result of Plaintiffs' numerous claims, Defendants have raised numerous affirmative defenses. The undersigned counsel, representing five of the defendants in this action, must address the separate claims directed against each of the Defendants separately, as well as against the Defendants collectively. Moreover, Defendants must address the information provided by Plaintiffs during discovery, and must address whether there is factual support in the record for each of Plaintiffs' twenty-four (24) counts.

Rule 7.1(c) Concurrence Statement

The undersigned counsel has conferred with all parties and has obtained their assent to the within motion.

WHEREFORE, Defendants respectfully request the Court's allowance of the within motion.

Defendants,

**SELECT PORTFOLIO SERVICING, INC.,
HARMON LAW OFFICES, P.C., MERRILL LYNCH
MORTGAGE CAPITAL, MERRILL LYNCH
MORTGAGE INVESTORS AND LASALLE BANK
NATIONAL ASSOCIATION,
By their attorneys,**

Dated: January 7, 2008

/s/ William P. Breen, Jr.

William P. Breen, Jr. (Bar No. 16929)

Dorothy A. Davis, *Pro hac vice*

Eckert Seamans Cherin & Mellott, LLC

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 7, 2008.

Date: January 7, 2008

/s/ William P. Breen, Jr.
William P. Breen, Jr.